

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 12-3488

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Donna Nichols

Movant - Appellant

Donald E. Moeller

Plaintiff - Appellee

v.

Douglas Weber, Warden, South Dakota State Penitentiary; Dennis Kaemingk, Secretary of South Dakota Department of Corrections, in his official capacity; Does 1 - 20, unknown employees or agents of the South Dakota Department of Corrections

Defendants - Appellees

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Appeal from U.S. District Court for the District of South Dakota - Sioux Falls  
(4:04-cv-04200-LLP)

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**JUDGMENT**

Appellant's motion to dismiss the appeal is granted. The appeal is hereby dismissed in accordance with the [Federal Rules of Appellate Procedure](#) 42(b).

The Court's mandate shall issue forthwith.

October 29, 2012

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans